

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00568-CRC**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF  
AGRICULTURE et al  
Assigned to: Judge Christopher R. Cooper  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/14/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICAN OVERSIGHT**

represented by **Daniel Alexander McGrath**  
AMERICAN OVERSIGHT  
1030 15th Street, NW  
Suite B255  
Washington, DC 20005  
(202) 897-4213  
Email: [daniel.mcgrath@americanoversight.org](mailto:daniel.mcgrath@americanoversight.org)  
**ATTORNEY TO BE NOTICED**

**Sara Kaiser Creighton**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. DEPARTMENT OF  
AGRICULTURE**

represented by **Paul Cirino**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
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(202) 252-2529  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joshua M. Kolsky**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2541  
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Email: [joshua.kolsky@usdoj.gov](mailto:joshua.kolsky@usdoj.gov)  
**TERMINATED: 12/26/2018**

**Defendant**

**U.S. DEPARTMENT OF  
COMMERCE**

represented by **Paul Cirino**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF DEFENSE**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF  
EDUCATION**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF ENERGY**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. GENERAL SERVICES  
ADMINISTRATION**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF  
HOMELAND SECURITY**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**

(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF THE  
INTERIOR**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **Paul Cirino**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF LABOR**

represented by **Paul Cirino**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF  
TRANSPORTATION**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF THE  
TREASURY**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)  
*TERMINATED: 12/26/2018*

**Defendant**

**U.S. DEPARTMENT OF VETERANS  
AFFAIRS**

represented by **Paul Cirino**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua M. Kolsky**  
(See above for address)

TERMINATED: 12/26/2018

**Defendant****OFFICE OF MANAGEMENT AND  
BUDGET**represented by **Paul Cirino**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED****Joshua M. Kolsky**  
(See above for address)  
TERMINATED: 12/26/2018**Defendant****U.S. DEPARTMENT OF STATE**represented by **Paul Cirino**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED****Joshua M. Kolsky**  
(See above for address)  
TERMINATED: 12/26/2018

Date Filed	#	Docket Text
03/14/2018	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0090-5373310) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Summons as to USAO, # <u>3</u> Summons as to AG, # <u>4</u> Summons as to USDA, # <u>5</u> Summons as to Commerce, # <u>6</u> Summons as to DOD, # <u>7</u> Summons as to Education, # <u>8</u> Summons as to DOE, # <u>9</u> Summons as to GSA, # <u>10</u> Summons as to HHS, # <u>11</u> Summons as to DHS, # <u>12</u> Summons as to DOI, # <u>13</u> Summons as to DOJ, # <u>14</u> Summons as to DOL, # <u>15</u> Summons as to DOT, # <u>16</u> Summons as to Treasury, # <u>17</u> Summons as to VA, # <u>18</u> Summons as to OMB, # <u>19</u> Summons as to State, # <u>20</u> Civil Cover Sheet)(Creighton, Sara) (Entered: 03/14/2018)
03/14/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 03/14/2018)
03/14/2018		Case Assigned to Judge Christopher R. Cooper. (zmd) (Entered: 03/14/2018)
03/19/2018	<u>3</u>	SUMMONS (18) Issued Electronically as to OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 03/19/2018)
05/01/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/9/2018. ( Answer due for ALL FEDERAL DEFENDANTS by 5/9/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/29/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF MANAGEMENT AND BUDGET served on 3/29/2018; U.S. DEPARTMENT OF AGRICULTURE served on 3/28/2018; U.S. DEPARTMENT OF COMMERCE served on 3/28/2018; U.S. DEPARTMENT OF DEFENSE served on 3/28/2018; U.S. DEPARTMENT OF EDUCATION served on 3/28/2018; U.S. DEPARTMENT OF ENERGY served on 3/28/2018; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 3/28/2018; U.S. DEPARTMENT OF HOMELAND SECURITY served on 3/28/2018; U.S. DEPARTMENT OF JUSTICE

		served on 3/29/2018; U.S. DEPARTMENT OF LABOR served on 3/28/2018; U.S. DEPARTMENT OF STATE served on 3/29/2018; U.S. DEPARTMENT OF THE INTERIOR served on 3/27/2018; U.S. DEPARTMENT OF THE TREASURY served on 3/29/2018; U.S. DEPARTMENT OF TRANSPORTATION served on 4/19/2018; U.S. DEPARTMENT OF VETERANS AFFAIRS served on 3/29/2018; U.S. GENERAL SERVICES ADMINISTRATION served on 3/28/2018 (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 05/01/2018)
05/09/2018	<u>5</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of All Defendants (Kolsky, Joshua) (Entered: 05/09/2018)
05/09/2018	<u>6</u>	MOTION to Sever <i>Claims</i> , MOTION to Stay <i>Defendants' Response to Complaint</i> by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 05/09/2018)
05/22/2018	<u>7</u>	Memorandum in opposition to re <u>6</u> MOTION to Sever <i>Claims</i> MOTION to Stay <i>Defendants' Response to Complaint</i> filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Creighton, Sara) (Entered: 05/22/2018)
05/29/2018	<u>8</u>	REPLY to opposition to motion re <u>6</u> MOTION to Sever <i>Claims</i> MOTION to Stay <i>Defendants' Response to Complaint</i> filed by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Kolsky, Joshua) (Entered: 05/29/2018)
05/31/2018		MINUTE ORDER granting <u>6</u> Defendants' Motion to Stay. Defendants' response to the complaint shall be due 30 days after the Court rules on Defendants' pending motion to sever. Signed by Judge Christopher R. Cooper on 5/31/2018. (lccrc2) (Entered: 05/31/2018)
06/04/2018	<u>9</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 06/04/2018)
06/04/2018	10	Memorandum in opposition to re <u>6</u> MOTION to Sever <i>Claims</i> MOTION to Stay <i>Defendants' Response to Complaint</i> filed by AMERICAN OVERSIGHT; (See docket entry no. <u>9</u> to view.) (ztd) (Entered: 06/05/2018)
06/05/2018		MINUTE ORDER denying <u>6</u> Defendants' Motion to Sever. For the reasons stated in Chief Judge Howell's opinion in American Oversight v. U.S. Department of Veterans Affairs, 2018 WL 2582793 (D.D.C. June 2, 2018), the Court will deny Defendants' motion to sever. Defendants' response to the complaint shall be due by July 5, 2018. Signed by Judge Christopher R. Cooper on 6/5/2018. (lccrc2) (Entered: 06/05/2018)
06/06/2018		Set/Reset Deadlines: Answer due by 7/5/2018 (lsj) (Entered: 06/06/2018)
07/05/2018	<u>11</u>	NOTICE of Appearance by Daniel Alexander McGrath on behalf of AMERICAN OVERSIGHT (McGrath, Daniel) (Main Document 11 replaced on 7/12/2018) (ztd). (Entered: 07/05/2018)
07/05/2018	<u>12</u>	ANSWER to Complaint by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S.

		DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION.(Kolsky, Joshua) (Entered: 07/05/2018)
07/06/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by July 27, 2018. Signed by Judge Christopher R. Cooper on 7/6/2018. (lccrc2) (Entered: 07/06/2018)
07/06/2018		Set/Reset Deadlines: Proposed Briefing Schedule due by 7/27/2018 (lsj) (Entered: 07/06/2018)
07/27/2018	<u>13</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Kolsky, Joshua) (Entered: 07/27/2018)
07/31/2018		MINUTE ORDER: In light of <u>13</u> the parties' joint status report, the parties are directed to file a further joint status report by October 8, 2018 updating the Court on the status of production and proposing a further schedule for production and, if applicable, briefing. Signed by Judge Christopher R. Cooper on 7/31/2018. (lccrc2) (Entered: 07/31/2018)
07/31/2018		Set/Reset Deadlines: Joint Status Report due by 10/8/2018. (znbn) (Entered: 07/31/2018)
10/08/2018	<u>14</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 10/08/2018)
10/09/2018	<u>15</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Kolsky, Joshua) (Entered: 10/09/2018)
10/10/2018		MINUTE ORDER: In light of the parties' <u>15</u> joint status report, the parties shall file an updated joint status report on or before November 9, 2018. Signed by Judge Christopher R. Cooper on 10/10/2018. (lccrc2) (Entered: 10/10/2018)
10/10/2018		Set/Reset Deadlines: Joint Status Report due by 11/9/2018. (znbn) (Entered: 10/11/2018)
11/09/2018	<u>16</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S.



		DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Kolsky, Joshua) (Entered: 11/09/2018)
11/14/2018		MINUTE ORDER: In light of the parties' <u>16</u> joint status report, the parties shall file an updated joint status report on or before December 20, 2018. Signed by Judge Christopher R. Cooper on 11/14/2018. (lccrc2) (Entered: 11/14/2018)
11/15/2018		Set/Reset Deadlines: Joint Status Report due by 12/20/2018 (lsj) (Entered: 11/15/2018)
12/20/2018	<u>17</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 12/20/2018)
12/24/2018		MINUTE ORDER: In light of the parties' <u>17</u> joint status report, the parties shall file an updated joint status report on or before February 8, 2019. Signed by Judge Christopher R. Cooper on 12/24/2018. (lccrc2) (Entered: 12/24/2018)
12/26/2018		Set/Reset Deadlines: Joint Status Report due by 2/8/2019 (lsj) (Entered: 12/26/2018)
12/26/2018	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of All Defendants Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/26/2018)
02/08/2019	<u>19</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Cirino, Paul) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER: In light of <u>19</u> the parties' joint status report, the parties shall file an updated joint status report on or before March 18, 2019, updating the Court on the status of production and whether any dispositive briefing will be necessary. Signed by Judge Christopher R. Cooper on 2/8/2019. (lccrc2) (Entered: 02/08/2019)
02/08/2019		Set/Reset Deadlines: Joint Status Report due by 3/18/2019 (lsj) (Entered: 02/08/2019)
03/18/2019	<u>20</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Cirino, Paul) (Entered: 03/18/2019)